

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

SEAN SMITH and CRYSTAL SMITH,)	
)	
Plaintiff,)	
)	
-vs-)	CASE NO. 5:17-cv-1302 D
)	
CSAA FIRE AND CASUALTY)	
INSURANCE COMPANY,)	
)	
Defendant.)	

DEPOSITION OF

DAVID M. BATTLE

TAKEN ON BEHALF OF THE PLAINTIFFS

IN OKLAHOMA CITY, OKLAHOMA

ON NOVEMBER 2, 2018

REPORTED BY: TRENA K. BLOYE, CSR

1 Q I'm going to show you Defendant's Exhibit 17.

2 And I've only got one copy of this one, too, but we'll
3 make copies.

4 A Is this this house?

5 Q We'll get there. Just take your time looking
6 at them.

7 A Okay.

8 MR. ANDREWS: Adam, where are these
9 pictures from?

10 MR. ENGEL: I took them.

11 MR. ANDREWS: I'm pretty sure we asked in
12 discovery to produce any and all photographs of the
13 house. I'm pretty sure I've never seen this picture of
14 the house.

15 MR. ENGEL: We went back to look at it.
16 I'll submit them.

17 MR. ANDREWS: Just note my objection on
18 the record.

19 A Yeah. I can see the picture. This mostly
20 looks like rotted wood here.

21 Q (By Mr. Engel) Have you had time to look at the
22 pictures?

23 A Yeah, for the most part.

24 Q If that was the floor joist underneath that
25 house, you wouldn't be able to jack up those, would you?

1 Q It would take more money, wouldn't it?

2 A Well, yeah. But that right there is -- that
3 was not shown anywhere in -- that's not reflected in any
4 pictures or anything.

5 Q Right. And you don't know -- and I'll
6 represent to you that that's in the living room, in one
7 place in the living room. You don't know if there's
8 other damage like that at the other end of the living
9 room, do you?

10 MR. ANDREWS: Object to the form.

11 A Yeah. I don't know.

12 Q (By Mr. Engel) Okay.

13 A But I'll make the statement that right there is
14 deterioration. You can't say that's earthquake, and
15 that's just out of my common sense right here.

16 Q Okay. So it's going to be your testimony that
17 that damage right there was caused by deterioration --

18 MR. ANDREWS: Object to the form.

19 Q (By Mr. Engel) -- not earthquake?

20 MR. ANDREWS: Object to the form.

21 A It's just rotten wood.

22 Q Okay.

23 A Now, I don't know if it broke. I'm not going
24 to say that. But it's rotten wood.

25 Q Okay. So that's what I'm asking you. It's